

REMARKS

Claims 1 - 34 are pending in the present application.

Applicants note with appreciation that the Examiner indicates that claims 3 – 5, 9, 29 and 30 would be allowable if rewritten in independent form. However, Applicants believe that all of the claims are currently in condition for allowance and, therefore, placing the aforementioned claims into independent form does not appear to be necessary.

In section 3 of the Office Action, claims 1 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite with regard to the meaning of "average.". To address this rejection, Applicant amended claims 1 and 34 to recite "a plurality of beam directions." Applicants respectfully submit that "a plurality" refers to "two or more", and that the amendment thus clarifies that on average each of the plurality of beam directions is used a substantially equal number of times. Withdrawal of the section 112 rejection is respectfully solicited.

As mentioned above, Applicants amended claims 1 and 34 to address a rejection under 35 U.S.C. 112. Additionally, Applicants amended claims 2 – 9, 12 – 16, 18 – 20 and 27 – 29 for consistency with the amendment to claim 1. None of amendments is intended to narrow the meaning of any term of any of the claims, and therefore, the doctrine of equivalents should be available for all of the terms of all of the claims.

In section 5 of the Office Action, claims 1, 2, 6 – 8, 10 – 28 and 31 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,345,188 to Keskitalo et al. (hereinafter "the Keskitalo et al. patent") view of U.S. Patent No. 6,151,513 to Petry et al. (hereinafter "the Petry et al. patent"). Applicants are traversing this rejection.

Claim 1 provides a method of directional radio communication between a first station and a second station. The method includes, *inter alia*, selecting at the first station, from a plurality of beam directions, a direction for transmission of a signal from the first station to the second station. The selection of the direction for transmission is such that successive signals or groups

of signals are transmitted in substantially different directions and such that on average each of the plurality of beam directions is used a substantially equal number of times.

The Office Action acknowledges that the Keskitalo et al. patent does not disclose that “the selection of the at least one direction for transmission is such that successive signals or groups of signals are transmitted in substantially different directions and such that on average each beam direction available to said first station is used a substantially equal number of times”. Thus, the Office Action introduces the Petry et al. patent.

The Petry et al. patent discloses an antenna for a central station of a point-to-multipoint radio link system, wherein the antenna may produce plurality of sectors such that each sector covers the area occupied by a subscriber as narrowly as possible (Abstract). With reference to FIG. 1, at column 2, lines 24-27, the Petry et al. patent states that “the individual sectors... are narrowly restricted to the regions in which subscriber stations TS1... TS6 lie” (emphasis added). Thus, the Petry et al. patent discloses providing only one beam direction for a particular subscriber, and as such, there is no disclosure of selecting a beam direction from a plurality of directions to serve the subscriber. Consequently, the Petry et al. patent does not disclose **selecting at said first station, from the plurality of beam directions, a direction for transmission** of a signal from said first station to said second station, as recited in claim 1.

Moreover, the Petry et al. patent does not even mention the term "average", and Applicants have not found it to contain any disclosure of a beam direction being used any particular number of times. Accordingly, Applicants further submit that the Petry et al. patent does not disclose that **on average each of said plurality of beam directions is used a substantially equal number of times**, as is also recited in claim 1.

In view of the reasoning provided above, Applicants submit that the Keskitalo et al. and Petry et al. patents, whether considered independently or in combination with one another, neither disclose nor suggest all of the elements of claim 1. Accordingly, Applicants therefore also submit that claim 1 is patentable over the cited combination of the Keskitalo et al. and Petry et al. patents.

Claims 2, 6 – 8, 10 – 28 and 31 – 33 depend from claim 1. By virtue of this dependence, claims 2, 6 – 8, 10 – 28 and 31 – 33 are also patentable over the cited combination of references.

Claim 34 is an independent claim, and contains a recital similar to that of claim 1, as described above. For reasoning similar to that provided in support of claim 1, Applicants submit that claim 34 is also patentable over the cited combination of the Keskitalo et al. and Petry et al. patents.

Applicants respectfully request reconsideration and withdrawal of the section 103(a) rejection of claims 1, 2, 6 – 8, 10 – 28 and 31 – 34.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Respectfully submitted,



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